

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NATHANIEL BROOKS, JR.	:	CIVIL ACTION
	:	
v.	:	
	:	
COMMONWEALTH OF PENNSYLVANIA	:	NO. 15-cv-3795

ORDER

AND NOW, this 22nd day of March 2016, upon careful and independent consideration of Petitioner Nathaniel Brooks, Jr.'s Petition for Habeas Corpus (Doc. No. 1), the Response to Petition for Writ of Habeas Corpus (Doc. No. 8), the Report and Recommendation of United States Magistrate Judge Henry S. Perkin (Doc. No. 9), and the Petitioner's failure to file timely objections to the Report and Recommendation,¹ it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. the Petition for a Writ for Habeas Corpus is DENIED without prejudice and DISMISSED without an evidentiary hearing; and
3. there is no basis for the issuance of a certificate of appealability.
4. The Clerk of Court is directed to close this matter for statistical purposes.

BY THE COURT:

/s/ Legrome D. Davis

Legrome D. Davis, J.

¹ After numerous unsuccessful attempts to serve the Report and Recommendation ("R & R") upon Petitioner, the Court obtained an updated address and sent Petitioner the R & R and an order extending Petitioner's deadline to file objections to the R & R to January 29, 2016. (See Doc. No. 16.) Petitioner submitted a document entitled "Complaint," dated February 26, 2016, which fails to reference or respond to the R & R. (Doc. No. 19.) Even if the Court were to construe Petitioner's filing as objections to the R & R, Petitioner's claims are without merit and the objections would be overruled. Further, the Motion for Writ of Certiorari filed by Petitioner on December 23, 2015, cannot be construed as an objection to the R & R, as it consists solely of a one sentence request. (See Doc. No. 12 ("I the petitioner, Nathaniel Brooks jr. Petition the court, and for a negligence tort for thier [sic] decrepancy [sic].").)